

Juvenile justice – Comparison of swiss and czech law with focus on criminal procedure

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This thesis focuses on comparison of Czech and Swiss form of juvenile justice. The opening chapters briefly summarize the Czech law no. 218/2003 Sb., basic principles of juvenile criminal procedures, concept of his criminal liability and sets out sanctions – educational, protective and penal – which can be assigned to a juvenile person. Then a Swiss version of juvenile law is introduced (the „Jugendstrafgesetz“) together with juvenile criminal procedures law („Jugendstrafprozesordnung“). Also these chapters cotains introduction of basic principles of both laws, a detailed description of respective penalties (“Strafen”) and protective measures (“Schutzmassnahmen”) and their execution. The juvenile criminal procedure, its specifics and details, is described in Chapter 4, followed by the analysis of laws, comparisons of specific penalties and protective measures. This is supported by recent statistic of juvenile criminality, decisions of special juvenile courts and age limits for criminal liability throughout Europe. Swiss judgements are supplemented by an overview of type and length of respective sanctions and execution of protective measures of placement.

The goal of this thesis is to show a different conception of juvenile criminal liability, approach to his/her punishment and a consideration of how some of the institutes and successful examples from Switzerland could be used in the Czech law as de lege ferenda, especially considering the planned recodification of criminal procedural law together with an update to the juvenile judiciary law. If one of the main benefits of such a change is supposed to be shorter criminal proceedings, moving some of the authority from courts to public prosecutors during the preparatory phase and shortening deadlines for some tasks should be considered.

Keywords: juvenile criminal liability, juvenile justice, criminal procedure, investigation